IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE D.S.R.VARMA
WRIT PETITION NO : 25853 of 1995

Between:
R.Jayaprada, W/o. Laxminarayana, aged about 45 years,
R/O.16-1-24/328, Saidabad Colony, Hyderabad
..... PETITIONER

AND

1.Muncipal Corporation of Hyderabad, rep., by its Commissioner,
Sarda Mahal, Charminar, Hyderabad
2.The Assistant Commissioner, Municipal Corporation of Hyderabad,
Circle No.1, Sharda Mahal, Charminar, Hyderabad.
3.The Assistant Town Planner, Circle No.1, Sarda Mahal,
Charminar, Hyderabad.
4.The Assistant Commissioner of Police, Traffic,
Charminar, Hyderabad.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly in the nature of writ of mandamus directing the respondent to act according to law and declare the proposed action of the respondent of interference with or demolition of pan shop bearing No. 21-2-87/2 situated at Gulzar House, Hyderabad, as illegal and arbitrary.

Counsel for the Petitioner: MR.B.MADHAVA REDDY

Counsel for the Respondent No.4: GP FOR HOME

Counsel for the Respondent Nos.1 to 3: NONE APPEARED

The Court made the following:

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ORAL ORDER:

Heard both sides.

2. The sole grievance of the petitioner is that the pan shop owned by her is likely to be demolished in spite of her possession and title over said premises.

3. Originally, the plot was leased out in favour of the husband of the petitioner's sister quite some time back. After the death of her sister, the petitioner started doing business in a small extent of area. Subsequently, the Housing Board, instead of transferring the lease of the said plot, sold away the same in favour of the petitioner.

4. Now, it is the apprehension of the petitioner that she is likely to be evicted by the respondents and the pan shop is likely to be demolished on one ground or the other.

5. It is the specific averment of the petitioner that no notice whatsoever has been issued by the respondents before resorting to such an action.

6. Having regard to the facts and circumstances, the respondents are directed to put the petitioner on notice before resorting to any action of demolition of her pan shop and after receiving explanation from the petitioner, any such action can be initiated strictly in accordance with law.

7. With the above directions, the writ petition is disposed of. However, there shall be no order as to costs.

D.S.R.VARMA, J

09TH SEPTEMBER 2004
KRK

To:
1.The Assistant Commissioner of Police, Traffic, Charminar, Hyderabad.
2.Two C.Cs to the Government Pleader for Home, High Court Buildings, Andhra Pradesh, Hyderabad (OUT).
3.The Commissioner, Municipal Corporation of Hyderabad, Sarda Mahal, Charminar, Hyderabad.
4.The Assistant Commissioner, Municipal Corporation of Hyderabad, Circle No-1, Sarda Mahal, Charminar, Hyderabad.
5.The Assistant Town Planner, Circle No-1, Sarda Mahal, Charminar, Hyderabad.
6.Two C.D. Copies.